

1 The Honorable Robert S. Lasnik  
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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 AMAZON.COM, INC., a Delaware corporation;  
12 AMAZON.COM SERVICES LLC, a Delaware  
13 limited liability company; and KONINKLIJKE  
14 PHILIPS N.V., a Netherlands public limited  
15 liability company,

16 Plaintiffs,

17 v.

18 HUMBERTO GONZALEZ, an individual;  
19 CAROLINA MANTILLA HENAO, an  
20 individual; JOSE DAVID GONZALEZ, an  
21 individual; RICARDO ROJAS, an individual;  
22 JONLER MOFFA, an individual; JUAN JOSE  
23 MEZA, an individual; LUZ MARINA HENAO,  
24 an individual; WORLD WIDE PRODUCTS  
25 INC, a Florida corporation; CORABLADE INC,  
a Florida corporation; CAFE RECORS  
PRODUCTIONS, INC., a Florida corporation;  
EASY SELLER INC, a Florida corporation;  
ECOMMERCE DISTRIBUTOR, INC., a Florida  
corporation; ION INTERNATIONAL  
PRODUCTS INC, a Florida corporation;  
VERENZA IMPORTS, INC, a Florida  
corporation; AAA SAFEWAY  
TRANSPORTATION, INC, a Florida  
corporation; and DOES 1-10,

Defendants.

No. 2:22-cv-01671-RSL

**STIPULATED CONSENT  
MOTION FOR PRELIMINARY  
INJUNCTION AND TO  
TEMPORARILY STAY CASE  
PENDING PARALLEL  
CRIMINAL INVESTIGATION**

WHEREAS, Plaintiffs Amazon.com, Inc., Amazon.com Services LLC (together,  
“Amazon”), and Koninklijke Philips N.V. (“Philips”) (collectively, “Plaintiffs”) filed this

STIPULATED CONSENT MOTION FOR PRELIMINARY INJUNCTION  
AND MOTION TO TEMPORARILY STAY CASE - 1  
Case No. 2:22-cv-01671-RSL

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1 Action against Defendants Humberto Gonzalez, Carolina Mantilla Henao, Jose David  
2 Gonzalez, Ricardo Rojas, Jonler Moffa, Juan Jose Meza, Luz Marina Henao, World Wide  
3 Products Inc, Corablade Inc, Cafe Recors Productions, Inc., Easy Seller Inc, Ecommerce  
4 Distributor, Inc., Ion International Products Inc, Verenza Imports, Inc, AAA Safeway  
5 Transportation, Inc (collectively, “Defendants”);

6 WHEREAS, Plaintiffs have asserted the following claims against Defendants in the  
7 Complaint: (i) trademark counterfeiting and infringement under 15 U.S.C. § 1114; (ii) false  
8 designation of origin and false advertising under 15 U.S.C. § 1125(a); (iii) violation of the  
9 Washington Consumer Protection Act, RCW 19.86.010, et seq.; and (iv) breach of contract (the  
10 “Claims”);

11 WHEREAS, the Claims are based on Plaintiffs’ allegations in the Complaint that  
12 Defendants advertised, marketed, offered, and sold counterfeit Philips products in the  
13 Amazon.com store (“Amazon Store”) through various selling accounts,<sup>1</sup> using Philips’  
14 trademarks without authorization, to deceive customers about the authenticity and origin of the  
15 products and the products’ affiliation with Philips;

16 WHEREAS, Plaintiffs further allege that Defendants submitted to Amazon false  
17 invoices and other false documentation purportedly from Philips in an effort to claim their  
18 products were genuine and to avoid detection of their counterfeiting scheme;

19 WHEREAS, Plaintiffs’ Complaint seeks injunctive and monetary relief, including but  
20 not limited to (i) an accounting and disgorgement of three times Defendants’ profits; (ii)  
21 trebling of Plaintiffs’ actual damages, such as refunds Amazon has issued to customers who  
22 purchased Defendants’ alleged counterfeit products; (iii) statutory damages of up to \$2,000,000  
23 per counterfeit mark alleged in the Complaint for willful counterfeiting; and (iv) interest, costs,  
24 and Plaintiffs’ attorneys’ fees;

25  
26 <sup>1</sup> Plaintiffs allege that Defendants operated the following selling accounts: Corablade; Globamarket; Sobamart;  
27 Ecommerce Distributions; Ion International Products; Verenza Imports; World Wide Products; and Wholesale  
Suppliers USA (collectively, the “Selling Accounts”).

1        WHEREAS, Defendants are aware of their obligations under Florida's Uniform  
2        Fraudulent Transfer Act, Fla. Stat. § 726.101 et seq., and Washington's Uniform Voidable  
3        Transactions Act, RCWA 19.40.011 et seq., both pertaining to the dissipation of assets to avoid  
4        obligations to present and future creditors;

5        WHEREAS, prior to filing the Complaint in this Action in November 2022, Plaintiffs  
6        referred Defendants to Homeland Security Investigations ("HSI") in Florida on the basis of the  
7        conduct alleged in the Complaint, as further detailed in Plaintiffs' *Ex Parte* Motion to  
8        Temporarily Seal Documents and Case, and referred to the HSI investigation as a "parallel  
9        criminal investigation" ("Motion to Seal") (Dkt. 4);

10       WHEREAS, the Court granted Plaintiffs' Motion to Seal and temporarily sealed and  
11       stayed the Action for six months for the reasons detailed in the Court's December 1, 2022  
12       Order Sealing and Staying Case (Dkt. 9);

13       WHEREAS, the Court extended the seal and stay of the Action for a further six months  
14       (Dkt. 11);

15       WHEREAS, on November 8, 2023, Plaintiffs' filed a Status Update to request that the  
16       Court unseal the Action and lift the stay, as law enforcement had taken overt action with  
17       respect to Defendants (Dkt. 12);

18       WHEREAS, on November 9, 2023, the Court unsealed the Action and lifted the stay  
19       (Dkt. 13);

20       WHEREAS, Defendants have been served with, and/or accepted service of, the  
21       Complaint and their time to respond to the Complaint has been extended to March 7, 2024  
22       (Dkt. 46);

23       WHEREAS, Plaintiffs and Defendants are aware that HSI's parallel criminal  
24       investigation of Defendants, which is based upon the conduct alleged in the Complaint, is  
25       active and ongoing, although no indictment has been filed against any of the Defendants;

26       WHEREAS, Defendants assert that their Fifth Amendment Rights are directly  
27       implicated by HSI's parallel criminal investigations and have expressed to Plaintiffs that in

1 response to any discovery in this Action, as a result of the ongoing criminal investigation, they  
2 will likely assert their Fifth Amendment rights against self-incrimination, and as a result, will  
3 not produce documents or otherwise substantively respond to discovery requests in order to  
4 protect those Constitutional Rights;

5 WHEREAS, Plaintiffs assert that they need discovery from Defendants in order to  
6 understand the ultimate source and distribution network for the alleged counterfeit Philips  
7 products and prevent further harm similar to the alleged conduct;

8 WHEREAS, the parallel criminal investigation may narrow or resolve some of the  
9 factual issues in this civil proceeding;

10 WHEREAS Plaintiffs and Defendants are aware of their obligations to preserve  
11 evidence related to the allegations in the Complaint or any defenses thereto;

12 WHEREAS, Plaintiffs and Defendants have agreed to temporarily stay the Action, as  
13 set forth below, pending the parallel criminal investigation, but without prejudice to Plaintiffs'  
14 ability to request that the stay be lifted;

15 WHEREAS, Plaintiffs and Defendants have further agreed that to protect the rights of  
16 Plaintiffs during the pendency of the Action that Defendants will, without admitting liability,  
17 voluntarily enter into a preliminary injunction as set forth below and without requirement of  
18 any security under Federal Rule of Civil Procedure 65(c);

19 NOW THEREFORE, Plaintiffs and Defendants stipulate to entry of this Order and  
20 Preliminary Injunction, and to its prompt entry subject to approval by the Court;

21 IT IS ORDERED AS FOLLOWS:

22 1. The Court has personal jurisdiction over each of the parties to this action. The  
23 Court also has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28  
24 U.S.C. §§ 1331 and 1338(a).

25 2. On November 22, 2022, Plaintiffs filed a Complaint against Defendants  
26 asserting the Claims.

1       3. All of the Defendants have been served or have accepted service of the  
 2 Complaint, and Defendants' response to the Complaint would have been due on March 7, 2024  
 3 (Dkt. 46);

4       4. Plaintiffs have established a *prima facie* case that Philips is the owner of the  
 5 following registered trademarks (the "Philips Trademarks"), all of which are valid, unrevoked,  
 6 and subsisting:

<u>Mark</u>	<u>Registration No. (International Classes)</u>
<b>PHILIPS</b>	3,864,315 (IC 8)
	5,038,342 (IC 8)
	3,087,005 (IC 8)
<b>NORELCO</b>	5,526,862 (IC 8)
NORELCO	3,087,004 (IC 8)
VTRACK	5,472,136 (IC 8)

24       5. Plaintiffs allege in the Complaint that Defendants advertised, marketed, offered,  
 25 and sold counterfeit Philips products in the Amazon Store, using the Philips Trademarks,  
 26 without authorization, to deceive customers about the authenticity and origin of their products  
 27 and their products' affiliation with Philips. Plaintiffs further allege that Defendants submitted to

1 Amazon false invoices and other false documentation purportedly from Philips in an effort to  
2 claim their products were genuine and to avoid detection of their counterfeit scheme.

3 6. Defendants are not admitting any of the allegations in the Complaint or  
4 admitting any liability, civilly or criminally, by entering into this Stipulated Consent Motion.

5 7. Amazon blocked Defendants' Selling Accounts from the Amazon Store due to  
6 Defendants' alleged conduct.

7 **Temporary Stay**

8 8. Defendants are under an active parallel criminal investigation by HSI.

9 9. Based on that pending investigation, and based on the consent of all parties and  
10 for good cause shown, the Court temporarily stays this Action and all deadlines for 180 days,  
11 unless otherwise ordered by the Court.

12 10. Defendants will promptly inform Plaintiffs and the Court in the event that  
13 Defendants learn that the government's investigation into any Defendant has closed, or has  
14 resulted in an indictment or other formal criminal charge.

15 11. The Parties must file a joint status report within 180 days of the entry of this  
16 Order informing the Court as to whether the Action should remain stayed on the basis of HSI's  
17 investigation, and updating the Court as to the status of that investigation.

18 12. Either Party may, at any time, revoke its or their consent to staying the Action  
19 and file a motion requesting that the Court lift the stay, and a Party's consent to the stay sought  
20 in this Motion shall not prejudice its efforts to lift the stay at a later date.

21 13. Any revocation of the stay set forth in this Order shall not have any effect on the  
22 preliminary relief set forth below.

23 **Preliminary Injunction**

24 14. Based upon the allegations in the Complaint and Defendants' consent to the  
25 requested preliminary relief, upon the entry of this Order, Defendants and their officers, agents,  
26 representatives, servants, employees, successors, and assigns, and all others in active concert or  
27

1 participation with Defendants are hereby restrained and enjoined from, pending termination of  
2 this Action:

- 3 (i) selling products in Amazon's stores;
- 4 (ii) selling products to Amazon or any affiliate;
- 5 (iii) opening or attempting to open any Amazon selling accounts or vendor  
6 accounts;
- 7 (iv) importing, manufacturing, producing, distributing, circulating, offering to  
8 sell, or selling, advertising, promoting, or displaying any product or service  
9 using any simulation, reproduction, counterfeit, copy, or colorable imitation  
10 of the Philips Trademarks, Philips' brands or trademarks, or which  
11 otherwise infringes or dilutes Philips intellectual property, on any platform  
12 or in any medium;
- 13 (v) using any false designation of origin or false description or performing any  
14 act which is likely to lead members of the trade or public to believe that any  
15 service or product offered, distributed, or sold by Defendants is in any  
16 manner associated or connected with Philips, or is sold, manufactured,  
17 licensed, sponsored, approved, or authorized by Philips;
- 18 (vi) importing, manufacturing, producing, distributing, circulating, offer to sell,  
19 or selling, advertising, promoting, or displaying any product manufactured,  
20 licensed or distributed by Philips or purporting to be manufactured, licensed  
21 or distributed by Philips; or
- 22 (vii) from transferring, discarding, destroying, altering, disposing of, concealing,  
23 tampering with or in any manner secreting any and all (1) goods bearing  
24 any copy or counterfeit of the Philips Trademarks or any markings  
25 substantially indistinguishable therefrom; (2) packaging, wrappers,  
26 containers, or promotional materials for goods bearing any copy or  
27 counterfeit of the Philips Trademarks or any markings substantially

1 indistinguishable therefrom; (3) equipment and supplies used to  
2 manufacture, assemble, label, or package any goods bearing the Philips  
3 Trademarks, or any markings substantially indistinguishable therefrom; (4)  
4 business records, invoices, correspondence, text messages, emails, other  
5 electronic communications, photographs, bank records, cancelled checks,  
6 wire transfers, books of account, receipts or other documentation relating or  
7 referring in any manner to the manufacture, advertising, receiving,  
8 acquisition, importation, purchase, sale or offer for sale, or distribution of  
9 any goods or packaging bearing the Philips Trademarks, including all  
10 records identifying other persons involved in such activities, whether such  
11 information is stored in a written, electronic, or computerized form; and  
12 (viii) assisting, aiding, or abetting any other person or business entity in engaging  
13 in or performing any of the activities referred to in subparagraphs (i)  
14 through (vii) above.

15. The Court finds that security pursuant to Federal Rule of Civil Procedure 65(c)  
16 is unnecessary in this case given Defendants' consent to this preliminary injunction.

17. Service of this Order on the Parties' respective counsel via ECF shall constitute  
18 valid service on each Party of this Order.

19 IT IS SO STIPULATED and CONSENTED TO this 7th day of March, 2024.

20 CHRISTIE LAW GROUP, PLLC

21 By   
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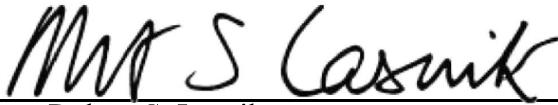
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2       **IT IS SO ORDERED.**

3       DATED THIS 8th day of March, 2024

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5       Hon. Robert S. Lasnik  
6       UNITED STATES DISTRICT JUDGE

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